

EXHIBIT 4:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF PENNSYLVANIA

* * * * *

ARA KIMBROUGH, *

Plaintiff * Case No.

vs. * 2:24-cv-04470-KSM

BUCKS COUNTY, et *

al., *

Defendants *

* * * * *

DEPOSITION OF
MARGARET MCKEVITT
February 12, 2025

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the certifying agency.

DEPOSITION

OF

MARGARET MCKEVITT, taken on behalf of
the Plaintiff herein, pursuant to the
Rules of Civil Procedure, taken before
me, the undersigned, Emma Edwards, a
Court Reporter and Notary Public in
and for the Commonwealth of
Pennsylvania, Via Zoom, on Wednesday,
February 12, 2025 beginning at 1:15
p.m.

A P P E A R A N C E S

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IDENTIFIED

NONE OFFERED

OBJECTION PAGE

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Burns 16, 21, 22, 23, 28,
32, 37, 38, 41, 43

S T I P U L A T I O N

(It is hereby stipulated and agreed by
and between counsel for the respective
parties that reading, signing,
sealing, certification and filing are
not waived.)

P R O C E E D I N G S

MARGARET MCKEVITT,
CALLED AS A WITNESS IN THE FOLLOWING
PROCEEDING, AND HAVING FIRST BEEN DULY
SWORN, TESTIFIED AND SAID AS FOLLOWS:

ATTORNEY MANSOUR:

Usual stipulations in
the record, reserve all
objections for time of trial
except as to form and
privilege?

ATTORNEY BURNS:

Yes. And my client
reserves the right to review
the transcript for any errors.

1 ATTORNEY MANSOUR:

2 Okay.

3 Very good.

4 ---

5 EXAMINATION

6 ---

7 BY ATTORNEY MANSOUR:

8 Q. Ms. McKevitt, thank you for
9 being here and making yourself
10 available again today. Even though
11 we've done this before, I do just want
12 to make sure that we are on the same
13 page with respect to the ground rules,
14 again, in terms of how this is going
15 to proceed.

16 So make sure all your answers
17 to my questions are in the form of
18 words. No nodding the head, shaking
19 the head, shrugging the shoulders.
20 Nonverbal cues like uh-huh, uh-uh,
21 things like that don't come across
22 well in the transcript.

23 So can you confirm that all
24 your answers to my questions will be
25 with words?

1 A. Yes.

2 Q. Very good. Thank you. Don't
3 want us --- I don't want us talking
4 over each other. So even if you know
5 where my question is going or if I
6 know where your answer is going, I
7 just ask that you wait until I'm done
8 asking my question before you answer
9 it. And I will do the same with
10 respect to your answer, waiting until
11 you complete it before I ask my next
12 question.

13 Okay?

14 A. Yes.

15 Q. Okay.

16 I don't want you to speculate
17 or guess about any of your answers
18 here today. Your answers are supposed
19 to be based on your personal
20 knowledge. Do you understand that?

21 A. Yes.

22 Q. If you don't know the answer to
23 a question, I don't know is a
24 perfectly acceptable answer if it is
25 the truth. You understand that?

1 A. Yes.

2 Q. If you --- if I ask you a
3 question that you don't understand,
4 just tell me that and I'll be happy to
5 reask it or rephrase it. If you do
6 --- if I do ask a question and you do
7 answer it, I'm going to assume both
8 that you heard it and understood it.

9 Okay?

10 A. Yes.

11 Q. Very good. If at any time we
12 need to take a break, just let us
13 know. We'll be happy to do that.
14 Since we already got a little bit of
15 your deposition done the first time
16 around, I don't anticipate that we're
17 going to be here terribly long, but
18 nevertheless, if you do need to take a
19 break, just let us know.

20 The only thing I ask is that if
21 I have a pending question, you answer
22 it completely before we break.

23 Okay?

24 A. Yes.

25 Q. Very good. You understand that

1 you were just placed under oath?

2 A. Yes.

3 Q. Okay.

4 And you understand that that
5 oath is the same oath that you would
6 take if you were testifying in a
7 courtroom?

8 A. Yes.

9 Q. And you understand that that
10 oath means that you promised to tell
11 the truth here today?

12 A. Yes.

13 Q. And that if you knowingly fail
14 to tell the truth, you could be
15 subject to criminal penalties?

16 A. Yes.

17 Q. Are you under the influence of
18 any drugs or alcohol that would impair
19 your ability to hear or understand any
20 of my questions?

21 A. No.

22 Q. Are you under the influence of
23 any drugs or alcohol that would impair
24 your ability to recall any of the
25 events I might ask you about?

1 A. No.

2 Q. Are you under the influence of
3 any drugs or medica --- alcohol ---
4 drugs or alcohol that would impair
5 your ability to see any of the
6 documents I might show you?

7 A. No.

8 Q. At the same --- I'm going to
9 ask the same question with respect to
10 any medications. Are you taking any
11 medications that impair your ability
12 to hear or see ---

13 A. No.

14 Q. --- any of the questions or
15 documents that I might show you?

16 A. No.

17 Q. Okay.

18 So I'm going to kind of pick up
19 where we left off last time around.
20 I'm going to share with you my screen
21 and show you a document that we marked
22 at your deposition previously as P-1.
23 These are essentially two documents
24 that were attached to the exhibit ---
25 that were attached as exhibits to my

1 client's complaint. The July 29th
2 termination letter, accompanied by the
3 disciplinary action form for my client
4 on the same date.

5 Do you remember seeing these
6 documents at your earlier deposition?

7 A. Yes.

8 Q. Can you see them okay now?

9 A. Yes.

10 Q. Okay.

11 If at any time you have trouble
12 seeing any of the documents or the
13 text is too small or something, just
14 let me know and I'll blow it up or
15 ---.

16 A. Sure.

17 Q. Okay.

18 So I want to turn your
19 attention to the second page of P-1,
20 marked at the bottom, exhibit B, which
21 was exhibit B to our complaint. And
22 it says here that, quote, it was
23 brought to our attention that you ---
24 you being my client, Mr. Kimbrough ---
25 shared confidential information with

1 plaintiff's counsel. A preliminary
2 interview was held 6/12/24, and a fact
3 finding meeting was held at 7/26/24.
4 During both of these meetings, you
5 admitted to contacting plaintiff's
6 attorney and sharing confidential
7 information which pertained to a
8 lawsuit against the DOC/County of
9 Bucks.

10 Did I read that correctly?

11 A. Yes.

12 Q. Okay.

13 And you've seen this document
14 not only at your last deposition, but
15 also prior to that.

16 Correct?

17 A. Correct. Yes.

18 Q. And I believe you testified at
19 your first deposition that you had
20 seen this document prior to it being
21 provided to my client.

22 Correct?

23 A. I don't recall that.

24 Q. Okay.

25 So I just want to go over a few

1 things here and make sure we're on the
2 same page. So it says here that my
3 client admitted to contacting
4 plaintiff's attorney and sharing
5 confli --- confidential information
6 which pertained to a lawsuit against
7 the County of Bucks.

8 Correct?

9 A. Repeat that. I'm sorry.

10 Q. Sure. So this last sentence
11 here on this page, exhibit B, says,
12 during both of these meetings, my
13 client admitted to contacting
14 plaintiff's attorney and sharing
15 confidential information which
16 pertained to a lawsuit against
17 DOC/County of Bucks.

18 Correct?

19 A. Correct.

20 Q. And that was the reason he was
21 discharged.

22 Correct?

23 A. Correct.

24 Q. Now, it does not say, you would
25 agree with me, that he shared

1 confidential information which
2 pertained to the security of the jail.

3 Correct?

4 ATTORNEY BURNS:

5 Objection to form. You
6 can answer.

7 THE WITNESS:

8 What'd you say?

9 ATTORNEY BURNS:

10 You can answer.

11 THE WITNESS:

12 I can.

13 ATTORNEY BURNS:

14 You can, yeah.

15 THE WITNESS:

16 Okay. Okay.

17 Repeat the question
18 again.

19 BY ATTORNEY MANSOUR:

20 Q. It does not say anywhere here
21 that my client shared confidential
22 information that pertained to the
23 security of the jail, the county
24 correctional facility.

25 Correct?

1 A. The words are not there. Yes.

2 Q. Okay.

3 And it does not say here that
4 my client shared confidential
5 information regarding the operations
6 of the jail.

7 Correct?

8 A. The words are not there. Yes.

9 Q. It says he shared information
10 --- confidential information that
11 pertains to a lawsuit against the
12 county. That was a lawsuit that was
13 being filed on behalf of the estate of
14 Joshua Patterson.

15 Correct?

16 A. Yes.

17 Q. Okay.

18 And that lawsuit pertained to
19 Mr. Patterson's fatal drug overdose
20 while incarcerated at the county
21 correctional facility.

22 Correct?

23 A. Yes.

24 Q. Now, I will represent to you
25 that the phone call in question where

1 my client shared alleged confidential
2 information with plaintiff's attorney
3 occurred on May 30th, 2024. Is that
4 your understanding as well?

5 A. I don't know.

6 Q. Okay.

7 And the plaintiff's attorney
8 we're referring to here, his name is
9 Brian Zeiger. Are you familiar with
10 that name?

11 A. I have heard his name, yes.

12 Q. Okay.

13 And it's your understanding
14 that he was the attorney representing
15 the estate of Mr. Patterson in the
16 lawsuit referenced here?

17 A. I believe so.

18 Q. Now, the phone call that
19 occurred between my client and
20 Attorney Zeiger occurred on May 30th,
21 2024. You were not present for that
22 phone call.

23 Correct?

24 A. No.

25 Q. How did you first learn what my

1 client said during that phone call
2 with Attorney Zeiger?

3 A. I don't remember.

4 Q. You did, at some point,
5 ultimately learn that my client had a
6 phone call with Attorney Zeiger.

7 Right?

8 A. Yes.

9 Q. Okay.

10 And that ---- and you learned
11 about that before he was discharged.

12 Correct?

13 A. Yes.

14 Q. Now, this termination letter
15 says that he was fired for contacting
16 plaintiff's attorney, Attorney Zeiger,
17 and sharing confidential information
18 which pertain to a lawsuit. Can you
19 tell me what confidential information
20 my client shared with Attorney Zeiger?

21 A. I cannot.

22 Q. Is there a reason that you
23 cannot? Is it just that you don't
24 remember or ---?

25 A. I don't --- I don't remember.

1 Q. Were you at one time or at any
2 time told what that information was?

3 A. I don't --- I don't recall. I
4 --- we received a package of
5 information. I received the packets
6 of information him. Read it at a
7 meeting, and we discharged. And just
8 so you know, I do this just about
9 every other day, so ---.

10 Q. Okay.

11 So we already established,
12 obviously, you were not present for
13 that phone call between my client and
14 Attorney Zeiger. So it would be fair
15 to say that you learned that
16 information from somebody other than
17 my client or Attorney Zeiger.

18 Is that a yes?

19 A. Yes.

20 Q. Would it be fair to say that
21 after you learned about the phone call
22 between my client and Attorney Zeiger
23 that the county lost trust in my
24 client?

25 A. What --- what do you mean by

1 that?

2 Q. Did you believe that my
3 client's phone call to Attorney
4 Zeiger, along with the information
5 that he shared, was a breach of trust
6 that the county placed in him?

7 A. I believe at the time it was a
8 violation of county policy or
9 corrections policy and/or both.

10 Q. Okay.

11 And on what basis did you
12 arrive at that conclusion?

13 A. Based on the information that
14 was provided to me at the time.

15 Q. And that information being the
16 substance of his conversation --- my
17 client's conversation with Attorney
18 Zeiger?

19 A. On the information that was
20 provided by human resources.

21 Q. Do you believe that my client's
22 telephone conversation with Attorney
23 Zeiger was against the interests of
24 the county with respect to the
25 Patterson lawsuit?

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ATTORNEY BURNS:

Objection. Form. You
can answer if you can.

THE WITNESS:

I don't --- it's not a
--- I don't have an answer for
that.

BY ATTORNEY MANSOUR:

Q. Well, I mean, my client
apparently called Attorney Zeiger,
shared certain confidential
information or alleged confidential
information, and he was fired because
of that. We all agree on that basic
set of facts.

A. Yes, yes.

Q. Okay.

Do you believe that
conversation he had with Attorney
Zeiger was against the county's
interests with respect to the
Patterson lawsuit?

ATTORNEY BURNS:

Objection. Form. You
can answer if you can.

1 THE WITNESS:

2 I believe that his ---
3 what he did broke county
4 policies and correction
5 policies.

6 BY ATTORNEY MANSOUR:

7 Q. I understand that. Do you also
8 believe it went against the county's
9 interests with respect to the
10 Patterson lawsuit?

11 A. Yes.

12 Q. Were you concerned --- upon
13 learning that my client had this
14 conversation with Attorney Zeiger,
15 were you concerned that he might share
16 additional information with third
17 parties in the future?

18 A. When we made this decision, it
19 was based on what he did at the time.

20 Q. Are you saying that there was
21 no concern that he might do the same
22 thing again?

23 ATTORNEY BURNS:

24 Objection. Form. You
25 can answer if you understand

1 the question.

2 THE WITNESS:

3 Repeat the question
4 again. I'm sorry.

5 BY ATTORNEY MANSOUR:

6 Q. Sure. Was there a concern by
7 you that Mr. Kimbrough might do
8 something similar again in terms of
9 contacting an attorney and sharing
10 alleged confidential information?

11 A. I was concerned that he broke
12 county policy.

13 Q. I understand. So I guess maybe
14 I'll rephrase the question. Were you
15 concerned that he might break those
16 same policies again in the same
17 manner?

18 A. That factors into the decision
19 making.

20 Q. Give me one moment if you can.

21 ATTORNEY MANSOUR:

22 The emergency motion
23 that was filed in the Corbin
24 matter, did we mark that as an
25 exhibit in one of the last

1 depositions? Is that right?

2 ATTORNEY BURNS:

3 I believe --- are you
4 asking me that, Bill?

5 ATTORNEY MANSOUR:

6 I'm --- I'm asking
7 anybody who might know.

8 ATTORNEY BURNS:

9 Yes, I believe it is
10 Exhibit --- give me one second
11 --- 4.

12 BY ATTORNEY MANSOUR:

13 Q. Four.

14 Okay.

15 So I just --- the copy I have,
16 I didn't have it marked, and I didn't
17 know if we marked it before, so I'm
18 just going to mark it again.

19 Okay.

20 Ms. McKevitt, I have on the
21 screen a document that we've marked as
22 P-4. This is the emergency motion
23 filed by Attorney Zeiger on behalf of
24 the Patterson estate in the Patterson
25 --- in the Corbin versus Bucks County

1 matter. Have you --- can you see this
2 document okay?

3 A. Yep.

4 Q. Okay.

5 Have you seen this document
6 before today?

7 A. I might have received it, but I
8 don't believe I've read it.

9 Q. Okay.

10 I want to direct your attention
11 here to paragraph four. Blow it up a
12 little bit, just so it's a little
13 easier to see. Can you read --- take
14 a moment to read that to yourself and
15 just let me know when you're done
16 reading it?

17 A. Okay.

18 Q. Okay.

19 You said you've never read this
20 before today?

21 A. I said I'd probably receive ---
22 I received it. Probably received it,
23 but I haven't read it in its entirety
24 ---

25 Q. Okay.

1 A. --- before today.

2 Q. So today is the first time
3 you're reading word for word this
4 paragraph four?

5 A. Yes. Well, no. Didn't --- did
6 you show this to me last time?

7 Q. No, because I think last time
8 --- the first time we met, that was
9 redacted. I had not yet received an
10 unredacted.

11 A. Okay. Okay.

12 Q. So if I did show it to you, it
13 was --- this paragraph was redacted.

14 A. Okay.

15 Q. So ---.

16 Okay.

17 The information that's alleged
18 here in this paragraph four, is that
19 the information that was shared with
20 you in terms of what my client told
21 Attorney Zeiger in their telephone
22 conversation?

23 ATTORNEY BURNS:

24 And I'm just going to
25 object to the extent that this

1 is confidential, that we might
2 claim later, but I am going to
3 instruct my client to answer
4 the question.

5 THE WITNESS:

6 Okay.

7 And the --- repeat the
8 question.

9 BY ATTORNEY MANSOUR:

10 Q. The question was based on what
11 you just read here in this paragraph
12 four, is that generally the
13 information you were told my client
14 shared with Attorney Zeiger?

15 A. Generally, yes.

16 Q. Okay.

17 Are you aware of any disruption
18 that occurred in the operations of the
19 county jail as a result of my client's
20 conversation with Attorney Zeiger?

21 A. Not that I recall.

22 Q. Were you ---? Let me think of
23 how I want to phrase this question.
24 Who determined that the information my
25 client shared with Attorney Zeiger was

1 confidential or sensitive?

2 A. Our team.

3 Q. And who comprised that team?

4 A. Representative ---

5 representatives from human resources,
6 law department and corrections.

7 Q. And that's it?

8 A. And myself.

9 Q. And yourself.

10 Okay.

11 In terms of representatives
12 from human resources, would that
13 include Lauren Smith?

14 A. Yes.

15 Q. Would that also include Diane
16 Otto?

17 A. Yes.

18 Q. Okay.

19 Anybody else from HR
20 specifically that you can recall?

21 A. I don't recall.

22 Q. In terms of members of the law
23 department, would that include Shea
24 Randolph?

25 A. I believe so.

1 Q. Would that also include Jaclyn
2 Grieser?

3 A. I believe so.

4 Q. And would that include Dara
5 Burns?

6 A. I don't recall. I don't
7 recall.

8 Q. Would that include Dan Greaser?

9 A. I do believe so, yes.

10 Q. Anybody else from the law
11 department you can recall that was
12 involved in the determination that
13 this information was allegedly
14 confidential?

15 A. I don't recall.

16 Q. David Kratz also involved in
17 that determination?

18 A. Yes.

19 Q. Anybody else from jail
20 administration, specifically, that was
21 involved in determining this was
22 confidential information?

23 A. I don't recall.

24 Q. Did you yourself believe that
25 this information was confidential?

1 A. Yes. And other information
2 that Mr. Kimbrough had access to.

3 Q. Okay.

4 Had access to? What do you
5 mean by had access to?

6 A. He was a supervisor. He had
7 access to all corrections systems.

8 Q. Okay.

9 But he didn't share all of it
10 with Attorney Zeiger.

11 Right?

12 A. I don't know what he shared
13 with Attorney Zeiger.

14 Q. As far as you're aware, ---

15 A. This is what he shared.

16 Q. --- this is what he shared.

17 Okay.

18 Looking again at this paragraph
19 four, can you tell me what information
20 you personally believed was
21 confidential?

22 A. The intake area.

23 Q. What are you referring to
24 specific --- where it says the intake
25 area was grossly understaffed?

1 A. Just the intake area itself.

2 Q. Okay.

3 But I'm asking about the
4 information ---.

5 A. He talks about --- he talks
6 about operations here. Yes.

7 Q. Okay.

8 So --- so let's just take a
9 look at this paragraph four, and I
10 guess point out for me, you know,
11 specifically which sentence or which
12 line there you believe was
13 confidential information.

14 A. All of it.

15 Q. Okay.

16 So the fact that he was a
17 supervisor in the intake area at the
18 time of the instant matter, that you
19 believe was confidential?

20 ATTORNEY BURNS:

21 Objection. Form. You
22 can answer, if you can.

23 THE WITNESS:

24 Repeat the question,
25 please.

1 BY ATTORNEY MANSOUR:

2 Q. Sure. So the first sentence
3 there, where my client told
4 plaintiff's counsel he was a
5 supervisor in the intake area at the
6 time of the instant matter, that fact
7 is confidential in your view?

8 A. No.

9 Q. Okay.

10 The intake area was grossly
11 understaffed. You believe that
12 information was confidential?

13 A. That's his opinion.

14 Right?

15 Q. Sure.

16 A. Right. That's his opinion. I
17 don't know that that's a fair question
18 to ask.

19 Q. Okay.

20 I mean ---.

21 A. You're asking me to --- to ---
22 to say whether something's
23 confidential based on his opinion.

24 Q. Okay.

25 Do you think his opinion is

1 confidential, that it shouldn't have
2 been shared with anybody?

3 A. I think --- I think what Ara
4 Kimbrough did was break county policy
5 by talking to someone other than his
6 --- the chain of command or someone in
7 human resources and controller's
8 office on this issue.

9 Q. Well, the two or --- I think
10 two or three of the main policies that
11 he was discharged for and as it says
12 in the intake --- in the discharge was
13 that he shared confidential
14 information. And then down here, as
15 you can see, it refers to County Work
16 Rule 59, giving confidential county
17 information to other individuals.
18 Number 60 --- I'm sorry, Number 15,
19 divulging any information of a
20 confidential or sensitive nature.

21 So what I'm trying to figure
22 out is what information was
23 confidential and thus violated those
24 policies --- allegedly violated those
25 policies. So you're saying he was

1 fired for violating those policies?

2 Those policies say ---?

3 A. He was --- right. He was
4 violated for --- for speaking to
5 someone outside of his chain of demand
6 or county personnel on this issue.

7 Q. And that's --- and that's, you
8 know, generally your view of why he
9 was discharged.

10 Right?

11 A. Correct.

12 Q. So not necessarily because of
13 what his opinions were, but the fact
14 that he shared this information with
15 somebody outside his chain of command.

16 A. Correct.

17 Q. Do you know whether Mr.
18 Kimbrough, prior to his conversation
19 with Attorney Zeiger, had complained
20 up the chain of command about what he
21 believed to be chronic understaffing
22 in the intake unit?

23 A. I have not --- I did not
24 receive a complaint.

25 Q. So Mr. Kimbrough, his lawsuit

1 against the county, two of his claims
2 are brought under what's called
3 Section 1983. It's 42 United States
4 Code, Section 1983. Are you familiar
5 with that statute at all?

6 A. No.

7 Q. That statute allows individuals
8 to sue government agents for violating
9 the individual's constitutional
10 rights. Does any of that ring a bell?

11 A. Yes.

12 Q. Okay.

13 And I'm sure you know, I know,
14 anybody knows, you know, the county
15 has been sued, among other counties
16 for 1983 violations by prisoners.
17 People were being arrested for
18 violations of the Fourth Amendment,
19 the Eighth Amendment, all sorts of
20 different rights.

21 So you're familiar generally
22 with this idea of 1983 lawsuits or
23 lawsuits for violations of
24 constitutional rights.

25 Is that fair to say?

1 A. Yes.

2 Q. Okay.

3 Is it your understanding that
4 --- that public employees have certain
5 constitutional rights in the public
6 workplace?

7 ATTORNEY BURNS:

8 Objection. Form. You
9 can answer if you can.

10 THE WITNESS:

11 People have
12 constitutional rights.

13 Right?

14 BY ATTORNEY MANSOUR:

15 Q. Sure.

16 A. Yes.

17 Q. Including public employees.
18 Right?

19 A. Public employees have work
20 policies in place to protect them.

21 Q. Okay.

22 And you --- do you understand
23 that 1983 in some instances also
24 protects them in the workplace?

25 A. Some instances, yes.

1 Q. Are you familiar with what are
2 generally called First Amendment
3 retaliation claims? So that is a
4 person claiming that they were
5 punished for exercising their First
6 Amendment rights.

7 A. Yes, I have --- I'm familiar
8 with that.

9 Q. Okay.

10 And that is what Mr. Kimbrough
11 is alleging in this case, that he was
12 punished by being suspended and then
13 discharged for exercising his First
14 Amendment right to free speech. Do
15 you understand that?

16 A. I do.

17 Q. Before the decision was made to
18 discharge Mr. Kimbrough, did you
19 personally consider whether my
20 client's conversation with Attorney
21 Zeiger was protected by the First
22 Amendment?

23 ATTORNEY BURNS:

24 Objection. To the
25 extent it would disclose

1 attorney/client communication.
2 However, you can answer his
3 question.

4 COURT REPORTER:

5 Attorney Burns, it's
6 just a little difficult to hear
7 you. If you could raise your
8 voice or get closer to the mic,
9 that would be great.

10 ATTORNEY BURNS:

11 Yep. I was just
12 objecting to the extent that it
13 would disclose attorney/client
14 communication. But otherwise,
15 she can answer the question.

16 THE WITNESS:

17 Can you repeat the
18 question?

19 BY ATTORNEY MANSOUR:

20 Q. Sure. Before discharging my
21 client, did you personally consider or
22 think to yourself whether my client's
23 conversation with Attorney Zeiger was
24 protected by the First Amendment?

25 A. Not at the time.

1 Q. At what --- was there a time
2 where you --- before this lawsuit was
3 filed, was there a time where you
4 thought to yourself or considered
5 whether my client's conversation was
6 protected by the First Amendment?

7 A. Yes.

8 Q. But that was after he was
9 fired?

10 A. I don't --- I don't recall
11 exactly when --- when I ---. You're
12 asking what I thought about it.

13 Right? Not when ---? Yeah.

14 Q. Correct. What you thought
15 about it?

16 A. Yeah, the thought probably
17 crossed my mind before, during, and
18 after.

19 Q. Were you --- and just to
20 establish, I --- I know you --- you
21 testified to this the first time
22 around. You were the person who
23 ultimately gave permission to
24 discharge Lieutenant Kimbrough,
25 subject, of course, to ratification by

1 the Board of Commissioners.

2 A. Right.

3 Q. Okay.

4 Did you believe or have any
5 hesitation at the time you made that
6 decision that by discharging Mr.
7 Kimbrough you may be violating his
8 First Amendment rights?

9 A. No.

10 Q. Did you personally do any sort
11 of legal research to determine what
12 kind of speech is protected in the
13 public workplace?

14 A. No.

15 Q. And without telling me any
16 discussions you had with any members
17 of the law department, did you at
18 least at any time seek their guidance
19 on whether or not Mr. Kimbrough's
20 conversation was protected by the
21 First Amendment?

22 A. No, I did not seek their
23 guidance. No.

24 Q. Did you consult anybody ---
25 anybody about whether his conversation

1 was protected by the First Amendment?

2 A. Yes.

3 Q. Who --- whom did you consult?

4 ATTORNEY BURNS:

5 Objection to the extent
6 it would disclose
7 attorney/client communication.
8 You can answer.

9 THE WITNESS:

10 We had a discussion
11 about it as a team.

12 BY ATTORNEY MANSOUR:

13 Q. Did that discussion come after
14 ---. Strike that.

15 So at one point, I, on behalf
16 of Mr. Kimbrough, sent a letter to the
17 county trying to resolve this matter.
18 Are you familiar with that?

19 A. Yes.

20 Q. Did you personally review that
21 letter?

22 A. Yes.

23 Q. Did those discussions occur
24 after or before receipt of that
25 letter?

1 A. I don't recall.

2 Q. Give me just one moment. If my
3 client had disclosed the information
4 that he disclosed to Attorney Zeiger
5 to somebody other than Attorney
6 Zeiger, would you still have
7 authorized his discharge?

8 ATTORNEY BURNS:

9 Objection. Form. You
10 can answer if you can.

11 THE WITNESS:

12 I have no answer to
13 that. I --- I --- it's not ---
14 it's not something I would make
15 a decision on. I wouldn't have
16 enough information.

17 BY ATTORNEY MANSOUR:

18 Q. Were you aware of the fact that
19 my client was suspended without pay
20 pending an investigation into his
21 conversation with Attorney Zeiger on
22 or about June 21st, 2024?

23 A. I don't recall the dates, but I
24 do know that he was --- he was put out
25 without --- pending investigation.

1 Q. Was that something you
2 authorized?

3 A. I don't recall. I remember
4 being on the email chain, yes.

5 Q. Do you remember the county
6 offering my client or providing him
7 with a separation and release
8 agreement to sign?

9 A. Yes.

10 Q. The decision to provide him
11 with such an agreement, was that a
12 decision you authorized?

13 A. Yes.

14 Q. And ---.

15 A. With permission of the county
16 commissioners.

17 Q. So the county commissioners
18 were also involved in the decision to
19 offer him a separation agreement?

20 A. When --- when folks are offered
21 a separation agreement, I --- I check
22 with each of the commissioners and
23 make sure that's okay.

24 Q. And was --- did you confer with
25 them informally or was that like at an

1 executive session or something along
2 those lines?

3 A. No, I do that individually.

4 Q. With each commissioner?

5 A. Yes.

6 Q. And you did that in this case?

7 A. I do that with every single one
8 of them. So, yes, I would have had to
9 have done that. It --- yes.

10 Q. With respect to this case
11 specifically, Mr. Kimbrough, did those
12 communications occur in writing or
13 verbally?

14 A. I don't recall. Generally,
15 they're verbally. Sometimes I'll
16 email them individually.

17 Q. During those discussions with
18 the commissioners, did you make them
19 aware of my client's conversation with
20 Attorney Zeiger?

21 A. I asked them just for
22 permission to --- for separation
23 agreement authority. That's it.

24 Q. So you did not give them the
25 context or the factual background that

1 led to that separation agreement?

2 A. Generally.

3 Q. Okay.

4 So you did not make them aware
5 why you wanted to separate from Mr.
6 Kimbrough?

7 A. No, I give them a general ---
8 general information about the
9 separation agreement, why it's being
10 offered. Yes.

11 Q. And that is something that the
12 commissioners must authorize
13 themselves, or do you have authority
14 to do that unilaterally?

15 A. I can do that. And then we
16 ratify it on agenda after the fact.

17 Q. But in this situation, you
18 sought their preapproval, so to speak?

19 A. I generally do that with all of
20 them. Any --- any --- because they're
21 going to see it on the --- on the
22 agenda anyway.

23 Q. So that's your general practice
24 and that's the practice that you
25 followed with respect to Mr.

1 Kimbrough?

2 A. Yes, I did.

3 Q. Okay.

4 I don't have any more questions
5 for you, Ms. McKevitt. Thank you for
6 your time.

7 ATTORNEY MANSOUR:

8 I don't know if Counsel
9 has any.

10 ATTORNEY BURNS:

11 I do not have any
12 questions.

13 COURT REPORTER:

14 Would Counsel like
15 copies of the transcript from
16 today?

17 ATTORNEY MANSOUR:

18 Yes. A full one is
19 fine. Just --- just one full
20 one.

21 ATTORNEY BURNS:

22 Same for the County.

23 ATTORNEY MANSOUR:

24 And electronic only. I
25 don't need a hard copy.

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ATTORNEY BURNS:

Same with the County.

* * * * *

DEPOSITION CONCLUDED AT 2:02 P.M.

* * * * *

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF PHILADELPHIA)

CERTIFICATE

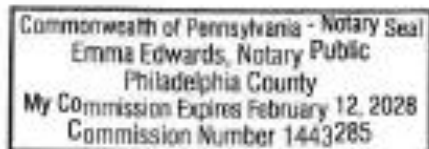
I, Emma Edwards, a Notary Public in
and for the Commonwealth of Pennsylvania, do
hereby certify:

That the witness, Margaret McKevitt,
whose testimony appears in the foregoing
deposition, was duly sworn by me on February
12, 2025 and that the transcribed deposition
of said witness is a true record of the
testimony given by said witness;

That the proceeding is herein recorded
fully and accurately;

That I am neither attorney nor counsel
for, nor related to any of the parties to the
action in which these depositions were taken,
and further that I am not a relative of any
attorney or counsel employed by the parties
hereto, or financially interested in this
action.

Dated the 17 day of February, 2025



Emma Edwards

Emma Edwards,

Court Reporter